

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Joseph Burns, #31338-047,

Petitioner,

v.

M.V. Joseph, Warden,

Respondent.

Case No. 4:25-cv-1373-RMG

**ORDER**

This matter is before the Court on Petitioner's motion to vacate this Court's earlier order adopting the Report and Recommendation of the Magistrate Judge and dismissing this habeas petition because of Petitioner's alleged failure to pay a portion of his filing fee. (Dkt. Nos. 9, 13). Petitioner asserts in his motion to vacate that he did direct a portion of the filing fee to be paid from his prison account. The Court inquired to the Clerk's Office regarding this matter and was advised that Petitioner's payment had been received but not noted on the docket. The Clerk's Office has now docketed the receipt of the partial payment of Petitioner's filing fee. (Dkt. No. 14).

Based on the foregoing, the Court vacates its order of April 30, 2025 dismissing this action (Dkt. No. 9) and remands the matter to the Magistrate Judge for pretrial processing.

**AND IT IS SO ORDERED.**

s/ Richard M. Gergel  
Richard Mark Gergel  
United States District Judge

May 27, 2025  
Charleston, South Carolina